

December 17, 2018

United States Bankruptcy Court

Southern District of New York

Attn: Judge Drain (rdd.chambers@nysb.uscourts.gov)

White Plains Division

300 Quarropas Street

White Plains, NY 10601

RE: Proof of Claim and Objection to Bankruptcy Discharge  
(Case No. 18-23588- Sears Holdings Corporation, et al.)

Your Honor:

Although I am not an attorney nor do I have any legal knowledge or training I respectfully request that you grant my motion of valid claims and my objection to bankruptcy discharge by the Petitioner (Sears Holdings Corporation, et al.) and deem my pending and righteous claims in California State Court actionable.

I. Proof of Clams.

1. I hereby submit copies of my two valid and pending California Small Claims Cases against the Petitioner (Carey V. Sears, et al. Case No. RSC0024711, RSC0024712). \*Attached as RSC0024711.pdf/RSC0024712.pdf
2. The Petitioner has sold me new goods that were defective as new. Specifically a non-working and defective high-end Sony Television and a defective non-working Sears/Craftsman self-propelled power mower.
3. Unsuccessfully, I have previously made exhaustive and "good-faith" efforts (via in-person visits, letters/emails and phone calls) through their local stores while they were open, and with Sears Stores/Regional Management and even Sears Corporate/Executive personnel to have these defective products replaced, exchanged, refunded and even repaired (despite being defective as "new saleable goods") without success or resolve. \*See attachments "PriorCommunications.zip"
4. Sears store personnel, Sears Stores/Regional Management and even Sears Corporate/Executive personnel have completely and intentionally ignored all my phone calls, letters, emails, facsimiles and not responded to a single one of my communications. The court can request or subpoena copies of these communications and documents from the Petitioner as evidence of this conduct. Furthermore, the Petitioner has never or previously denied my claims; therefore my claims as valid since the Petitioner has never objected!

II. Objection to Discharge and Request for the Court to Correct the Order and Grant Exclusion.

1. In addition to the points and argument I made above in my "Proof of Claims", there is reason to believe that the Petitioner is hiding assets, and or has committed fraud and "bad faith". You Honor, I have enclosed a copy of a recent article by 'Business Insider' publication in which Sears employees have witnessed and stated Sears and Sears Executives have intentionally conducted themselves and their business in a gross negligent manner with malice and malfeasance intentionally letting their business fail and not following their original business plan.
2. Your honor, I have also enclosed another recent article by 'The Hill' publication stating that Sears Executives are providing themselves exorbitant and outlandish bonuses and retirement packages while intentionally letting their business fail and instead of doing the "moral and ethical" thing of paying off their creditors and providing their dedicated employees with a servant's package.
3. As evident in the attached and voluminous consumer complaints, our local Sears of Roseville, CA has a pattern of knowingly selling defective products, being non-responsive to consumers or consumer complaints and acting in bad faith; as well as conducting themselves in unethical business practices. The fact that this conduct occurred to myself and others on a local store level, obviously translates to this same conduct occurring on a National level and that Sears Corporate was fully aware of it and allowed it to continue and flourish Nationwide! Your Honor, there are endless similar complaints against all Sears Stores, Sear Personnel/Management and Sears Corporate Offices. \*Attached as RosevilleStoreComplaints.zip"

Your Honor, in closing I would like to state the following:

1. I am a disabled client of the petitioner whom has valid, timely, and outstanding claims and torts against the petitioner.
2. I request that my claims and action be excluded from this action, and allowed to proceed in their rightful jurisdiction in lower State Court in California.
3. The petitioner is denying my legal right to have my "day in court" and address my claims in the proper jurisdiction where my claims and damages arose.
4. The petitioner has been aware of these claims and damages well before they contemplated bankruptcy and their agents intentionally ignored all communications on my part pertaining to these claims and attempts at mediation of these claims.

I Alex Carey hereby state the above stated facts are true and correct.

Respectfully submitted this 17<sup>th</sup> Day of December 2018,

Alex Carey, Creditor/Claimant